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GLOBALIZATION OR GLOBAL SUBORDINATION?: HOW LATCRIT LINKS THE LOCAL TO GLOBAL AND THE GLOBAL TO THE LOCAL: Critical Race Globalism?: Global Political Economy, and the Intersections of Race, Nation, and Class

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SUMMARY: ... " Some of the early "race crits" and activists such as Ida B. Wells, DuBois, Paul Robeson, Mary McLeod Bethune, Arturo Schomburg, Addie Hunton and Alphaeus Hunton, Jr., whose views found expression in the programmatic commitments of organizations such as the Council on African Affairs ("CAA"), are the precursors of an analytical and normative posture I refer to here as critical race globalism. ... Put simply, critical race globalism entails a synthesis of critical race and international justice perspectives. ... So, to build on a cliche, critical race globalism must be wary of thinking locally and acting globally, when that global action tends toward the neo-imperial. Furthermore, critical race globalism must also avoid thinking globally and acting locally, when that local action effects a regressive nationalism. As a rule of thumb, critical race globalism would require that we respect locality when acting globally, and that we retain global justice commitments when acting locally. ... These "essentialist" miscues are also instructive in modeling critical race globalism on the work of the earlier radical race internationalists. ... Despite the potential pitfalls, a critical race globalism seems crucial if we are to avoid the unsavory convergence of the politics of racial difference with Western global hegemony. Moreover, the best chance for a revival of radical internationalism "on U.S. soil" probably lies precisely with the transnational racial formations that a critical race globalism would underwrite. ... One final context to be considered in understanding the difficulty of pursuing critical race globalism as a scholarly or political agenda, is the culture of postidentity triumphalism that has taken root in the 1990s. ...

 [*1503]

 The type of intellectual and political project that is the topic of this Article, n1 one that expressly links racial and international justice struggles, has been salient in the West for much of the twentieth century. Indeed, W.E.B. Du Bois's much-quoted aphorism that the "problem of the twentieth century is the problem of the color-line," refers in the original specifically to the global context of race: "the relation of the darker to the lighter races of men sic in Asia and Africa, in America and the islands of the sea." n2 Some of the early "race crits" and activists such as Ida B. Wells, DuBois, Paul Robeson, Mary McLeod Bethune, Arturo Schomburg, Addie Hunton and Alphaeus Hunton, Jr., whose views found expression in the programmatic commitments of organizations such as the Council on African Affairs ("CAA"), are the precursors of an analytical and normative posture I refer to here as critical race globalism. n3 **[*1504]**

 Put simply, critical race globalism entails a synthesis of critical race and international justice perspectives. Though a vast menu of particular research and political projects could flow from such a synthesis, I will limit myself in this Article to the initial task of mapping the historical and theoretical contours of critical

race globalism. I argue primarily for the indispensability of race critique for international justice analyses, and the need for race critique to become both more international and materialist. The figures listed above are important precursors because they saw clear linkages between the types of racially oppressive regimes that existed in the West and colonial and imperial forms of domination at work in Africa, South America, the Caribbean, Asia and the Pacific. The resulting anticapitalist, panAfricanist and anticolonial/civil rights movements targeted global forms of white supremacy throughout much of the first half of the twentieth century. n4

 The ideology and structure of global white supremacy seems to have become less a focal point for race crits of the post-apartheid era, even though conditions may never have been better suited to pursuing globalized racial critique. n5 This Article suggests that we reinvigorate the analysis of global white supremacy, n6 effectively **[*1505]** joining Critical Race and LatCrit approaches n7 with the growing body of critical scholarship on globalization. n8 In so doing, our beginning approximations should avoid both an "underdetermined" n9 theory of the global (that is, an overly economistic understanding that fails to theorize issues of identity and culture) and a parochialized vision of the racial (that fails to see articulations with globalized systems of flexible accumulation). In the end, we may indeed **[*1506]** need to live on the tension between modernist and postmodernist approaches n10 to both identity and political economy. However, we should do so in the fullest possible engagement of a global that is itself both ruthlessly modern, a seeming iron cage delimiting social organization at the millennium, and profoundly postmodern in the flexible forms of accumulation it enables, and the shifting subjectivities it interpellates.

 First, let us consider why we are loath to theorize the United States, and the West in general, as unambiguously racialized actors in the international realm, especially compared to earlier racial justice advocates, like Robeson, who believed that "the foreign and domestic policies of this country . . . come straight from the South." n11 Revisiting the actual trajectory of twentieth century ideologies and structures of globalized racial subordination may be useful in coming to grips with our present dilemma. Consider Frank Furedi's argument that there has been a slow retreat from overtly white supremacist rationalizations of imperial and post-imperial forms of global domination on the part of Western elites, from the heyday of unabashedly racist discourse in the late nineteenth century, through a period of silent race warfare in the mid-twentieth century, to the acceptance of formal global equality in the 1960s. n12

 Furedi assessed this retreat as the entailment of a strategic adoption of racial pragmatism, a set of policies and discourses designed to secure for the West continued hegemony over the South, while avoiding the potentially devastating effects of a global race war. n13 Intense political and cultural opposition to racialized forms of subordination in the postwar era and, ultimately, the triumph of anticolonial movements rendered overt appeals to white superiority disadvantageous to the maintenance of imperial and post-imperial orders. Nevertheless, the West has been able to successfully repro **[*1507]** duce the basic structure of differentiation that underlies earlier racialized forms of imperial domination. However, in its new form, the logic of differentiation makes claims within the categories of the cultural and civilizational, n14 while the superiority of the West comes to be expressed as a moral essence. n15

 In addition to this retreat from overtly racialized discourses of imperialism, which eliminated a defining target of earlier international racial critique (supremacist discourse), a renewed project of critical race globalism must grapple with a set of antinomies resulting from the reconstituted interplay of race, nation, and class in the current globalized conjuncture. n16 Two examples from contemporary Mexico-U.S. relations, in the areas of immigration and regionalized free trade, illustrate the difficulties inherent in re-problematizing racialization of the global.

 While immigration politics in the United States remain intensely racialized, n17 displaying strong overtones of white nativism, n18 antiimmigration **[*1508]** sentiment seems to crosscut racial groupings. n19 Indeed, even openly Eurocentric immigration restrictionists have learned to deploy a rhetorical concern for the supposed negative effects of immigration on domestic racial minority groups. n20 Moreover, the

racial contingency of immigration structures and politics is complicated by transnational economic and social conditions that reflect "sweated" forms of accumulation, which depend on the displacement of workers from their established localities. n21 So, while race progressives may correctly see immigration restrictionism as racist both in its discourse and in its consequences, calling for a civil or human right to free transnational movement for all workers might be inadequate to the task of reversing the deeper problem of transnational racialized divisions of labor.

Equally complicated is the extension of "free trade benefits" through NAFTA to Mexico, a move that could be viewed as the extension of "colorblind neoliberal economic policy" having racially progressive, even if unintended, consequences. After all, it seems inevitable that certain segments of Mexican capital stand to profit from the arrangement. At the same time, NAFTA may be viewed as racially regressive within the United States (and in Mexico vis-a-vis indigenous peoples), especially if the resulting outsourcing of production disproportionately harms African American and Latina/o workers. Moreover, the hyperexploitative forms of transnational **[*1509]** accumulation driving the maquila industries are themselves racialized (and feminized) processes of subordination in situ, but which nevertheless "benefit" consumers of all demographic categories. Finally, one must consider the complicated transnational effect of NAFTA on labor politics, as organized labor faces the necessity of pluralizing its base both within and across national boundaries.

In both of these examples, the intersection of race, nation, and class makes it more difficult to hypothesize about the continuing relevance of global white supremacy and privilege. This difficulty is all the more evident when we think comparatively of situations facing the earlier generations of critical race internationalists who, for example, witnessed Truman's appointment of a pro-lynching, white supremacist Secretary of State, James Byrnes, n22 who oversaw the administration's objectionable postwar policy toward Liberia and Haiti. n23

In addition to the analytical problems posed by the complex intersection of race, nation, and class in processes of globalization, the twin normative dangers of bad globalism and parochial nationalism make the political pursuit of critical race globalism a tricky proposition. On the one hand, if we sign on to a facile kind of one-worldism, we may simultaneously find ourselves in the service of a neoliberal political economy and a concomitant race to the bottom in abandoning commitments to distributive justice and social welfare. Similarly, if we embrace the cosmopolitan vision of global community and ethics, we may automatically also contribute to a project of cultural imperialism. Furthermore, if we work toward global governance through the strengthening of either transnational civil society or more traditional international governmental organizations, we may also simply reproduce the structures of international law qua imperial domination. n24

On the other hand, critiques that are hastily mounted to reveal globalization as an abusable and oppressive ruse may unintentionally embrace Westphalian modernism, thus enabling objectionable nationalisms. For example, the recent spate of political organizing in the United States against the WTO, NAFTA, fast track, and the **[*1510]** Multilateral Agreement on Investments may well have been successful in direct proportion to the campaigns' abilities to tap (if not create) and mobilize nationalist political capital. Even though there are excellent reasons for opposing such neoliberal governance initiatives, the nationalisms that may be invoked in the process may be of a piece with those of a Pat Buchanan, or the liberal but exclusionary nationalism of a Michael Lind. n25

So, to build on a cliche, critical race globalism must be wary of thinking locally and acting globally, when that global action tends toward the neo-imperial. Furthermore, critical race globalism must also avoid thinking globally and acting locally, when that local action effects a regressive nationalism. As a rule of thumb, critical race globalism would require that we respect locality when acting globally, and that we retain global justice commitments when acting locally.

 Thus, in the context of, say, international migration, scholars may be able to deploy critical race perspectives to explain the racial contingency of the system, by pinpointing the racialized responses to particular refugee flows, or by showing that the structure of postwar refugee law is racialized and Eurocentric. n26 We can look at citizenship, or admissions/exclusion regimes, or the segmentation of labor markets along migrant/nonmigrant lines, and critical race theory can provide purchase for understanding how these regimes operate. n27 However, as we deepen the racial critique of migration, we should be wary of misapprehending the nature of axial divisions of privilege, i.e., between periphery (sending countries) and core (receiving countries).

 By imposing familiar, U.S.-based racial understandings on the sets of oppressive relationships operating in the realm of migration, our local thinking should not become at the global level a kind of neoimperial imposition that fails to grasp the specific nature of migration in the global system. n28 Moreover, we have to sub **[*1511]** ject our advocacy of freer transnational movement to critique informed by nonmainstream, non-neoliberal approaches to global political economy. Indeed, we should be wary of a regime of "free" movement that remains ensconced within global conditions of predator capitalism, even as we continue to place protection of immigrants and immigration law reform at the forefront of racial justice struggles that resist nationalist and nativist impulses.

 The earlier race internationalists faced similar tensions in pursuing their intellectual and political project of race conscious antiimperialism. When the CAA hit its stride, just after the Second World War, the anticommunist parochialism of the mainstream simultaneously took hold. n29 This turn of events divided the civil rights community between the more anticapitalist and internationalist CAA of Robeson, DuBois, the Huntons, and Bethune on the one side and the more domestic-minded, if not patriotic, anticommunist and reformist NAACP of Walter White on the other. n30

 The final triumph of a domestic over an international focus in the mainstream U.S. civil rights movement ultimately entailed the intellectual embrace of a truncated racial analysis, which cast racial justice as a domestic matter, and a postwar political settlement akin to that which existed between labor and capital through the 1960s. Superficially, the approaches of the NAACP and those involved with the CAA actually evinced a common international awareness. Each group placed the struggle for racial justice in the United States in the broader context of international anticolonial and anti-imperial struggle. For the NAACP, the United States as "leader of the free world" housed an exploitable internal contradiction so long as it practiced Jim Crow at home, while preaching liberal democracy abroad. However, for the NAACP this international sensibility was turned to political advantage domestically in a manner that paralleled the labor-capital accord of the postwar period. The mainstream racial justice struggle in the United States thus traded its radical internationalist pedigree for legitimacy within a domi **[*1512]** nant anticommunist and nationalistic political environment. n31 DuBois and others, in contrast, tenaciously linked the struggle for racial justice in the United States, both analytically and politically, to anticolonial national liberation struggles in Africa and throughout the Third World. n32

 The political rejection of radical internationalism on the part of the NAACP led ineluctably to a kind of analytical atrophy as well, which contributed to the reproduction of a narrowly construed, "stops-atthe-water's-edge," procapitalist understanding of racial justice in the United States. n33 This analytical shortfall, in turn, had political resonance beyond the civil rights movement. Indeed, the effective end of the first wave of critical race internationalism, signaled by the demise of the CAA, also marked the half-century retreat of radical internationalism as a viable political movement in the United States. The revival in the 1960s of radical internationalist, identity-based movements, through groups such as the Black Panthers, proved to be short-lived exceptions to the overall trend. n34 The result has been that global capital expansion, which has only accelerated in the post-Cold War period, proceeds apace in the relative absence of a distinct racial justice-based critique. The recent protests at the WTO conference in Seattle, led by traditional, mostly white, contingents from the organized labor, environmental, and human and animal

rights movements, only serve to confirm that a specifically race-based perspective is missing from the critique of global capitalism. n35

 In order to reverse this fifty-year trend, critical race globalists might consider the example of the earlier race internationalists, who remained wedded to both an analytical and political vision of radical race internationalism. To be sure, the internationalization of a race-based critical paradigm presented analytical difficulties, [*1513] just as it does today. For example, the particular mechanisms of race-based oppression within western nation-states, such as the United States, were distinct in many ways from those at work in the African colonial system, which involved domination by the colonizing state of geographically distant territories. In particular, colonial techniques had to allow for the suppression of a majority population by a minority colonialist group, usually entailing the creation of a comprador, or middle-man economic and bureaucratic class. In the United States, struggling against racial oppression meant taking on the majority whose interests thoroughly structured the state itself. Even apartheid South Africa, an approximate analog to Jim Crow America insofar as the state directly embodied white supremacy, presented a radically different social context in which a minority settler population dominated a majority of African and "colored" peoples. On the whole, the differences that existed analytically between racial oppression in the United States and colonial domination abroad suggested that the respective freedom struggles would take different forms as well.

 However, the early radical race internationalists began from a different premise. Rather than attacking race-based oppressions according to the particular social conditions that obtain within each individual nation-state, which putatively had come to be uniquely expressed in each state's structure and function, these leaders envisioned the type of political struggle that would be necessary to challenge the epochal problem of "capitalist imperialism," n36 a global system integrally linked to the racial oppressions in question. n37 Theirs was the understanding that Marx seems to have had at times, that the globalization of capitalism, the extension of [*1514] markets, defined the necessities of capitalism, and an inseparable part of that necessity was the extirpation, enslavement and subjugation of Others, i.e., those found territorially outside the core upon whose bodies the differentiae of race came to be inscribed. n38 The earlier race internationalists remained committed to an internationalism that understood capitalism as an irreducibly imperial, global system.

 To be sure, certain blind spots befell even a mature Du Bois as he analyzed and became politically involved in the first successful independence struggle of the twentieth century in Sub-Saharan Africa. The ascendance to power of Ghana's Kwame Nkrumah in 1957, a participant 12 years earlier in Du Bois's Sixth Pan-African Congress, seems to have confounded Du Bois's critical capacity. n39 In particular, Du Bois apparently mistook the pan-Africanism of Nkrumah and his government for a commitment to democratic socialism. n40 In fact, until resistance in Ghana forced a change, Nkrumah had pursued a marketoriented policy to encourage for [*1515] eign direct investment with the likely outcome of creating the type of postcolonial African bourgeoisie   n41 that Frantz Fanon excoriated. n42 Moreover, while Du Bois's "seriously flawed" assessment of Gold Coast politics n43 may indicate a reductionist identification of pan-Africanism with democratic socialism, he was likewise apt to identify any state-controlled economy as an instance of progressive socialism. n44 These "essentialist" miscues are also instructive in modeling critical race globalism on the work of the earlier radical race internationalists.

 Despite the potential pitfalls, a critical race globalism seems crucial if we are to avoid the unsavory convergence of the politics of racial difference with Western global hegemony. Moreover, the best chance for a revival of radical internationalism "on U.S. soil" probably lies precisely with the transnational racial formations that a critical race globalism would underwrite. n45 There could be several immediately observable effects of a renewal of the radical race internationalist spirit. For example, instead of the human rights and, increasingly, foreign policy establishments setting the terms of engagement with global labor exploitation and predictable lapses into a neo-imperialist discourse of Western civilizational moral superiority, progressive race crits would take the lead in addressing the current conjuncture of mutually

determined, globalized race and class oppressions. Or, instead of mainstream environmentalists being at the forefront of efforts to advocate sustainable forms of development and combat the many gradual ethnocides of indigenous peoples that globalization entails, race crits would provide environmental justice-oriented leadership for those initiatives, militating against the impositions of either eco-imperialism or green protectionism. And rather than mainstream nongovernmental organizations creating a clientelist culture for the pursuit of development and human rights, particularly in Africa, n46 race crits **[*1516]** could provide a more grass-roots oriented, context-sensitive approach and, thus, foster a culture of equal partnership with African peoples.

In short, the challenge would be for those pursuing progressive politics of difference, progressive race-based politics, in the West to remember the lessons of the precursors and maintain an internationalist commitment to social and economic justice. Race crits that seek to deepen their analyses of racial oppression by problematizing its intersection with class oppression should note that the critique of capitalism that seemed lost with the "end of history" just ten years ago is robust again today, at least with regard to international political economy. The current political climate is thus an inversion of the one the earlier radical race internationalists faced. For them, internationalizing the struggle for racial justice meant forfeiting domestic political viability because it placed on them the stigma of communism. Today, political struggle beyond the national often contains a de facto anticapitalist critique that seems to have popular appeal, albeit perhaps more often than not for nationalistic and protectionist reasons. The goal of critical race globalism would be to pursue issues of transnational social and economic justice with the same integrity that distinguished those precursors who challenged their own constituencies to struggle in solidarity with people far removed from their constituencies' apparent communities of interest, against powerful default ideologies.

One final context to be considered in understanding the difficulty of pursuing critical race globalism as a scholarly or political agenda, is the culture of postidentity triumphalism that has taken root in the 1990s. It seems particularly quixotic to propose reinvigorating a robust racial politics debate at the international level at precisely the same time that "identity politics" has been under such severe attack particularly by left-liberal social movement theorists. Indeed, the new conditions of victor capitalism would seem to bolster anti-identity critiques in that globalization is a tide that swamps all boats, hurting minority and majority group members alike, so long as they are not part of the new multicultural global elite. Certainly, if the nation-state currently suffers from declining significance in the face of nonidentitarian market forces, it would **[*1517]** follow that other modern forms of bounded collectivities such as races and ethnicities would fall into irrelevance as well. n47

But there are many reasons both to value identity politics and to believe that "new social movements" of racial and sexual minorities, women, and those facing physical adversity will continue to play a constitutive role in progressive politics. For example, simultaneous with, and arguably inseparable from, the so-called declining significance of the nation-state in Europe and other parts of the world, has been a rise of diasporic and pan-ethnic racial consciousness among Blacks, Latinos and Asians in various Western societies. n48 This correlation may suggest that the onset of a postnational West may in fact be linked in important ways to transnational racial formation. Manuel Castells' work on globalization and identity would explain such a linkage by arguing that the processes of globalization themselves contribute to redoubled identity-based resistances and, potentially, "project identities" or new forms of political subjectivity that are relatively unrelated to the modern political form of the nation-state. n49 As David Kennedy recently wrote, we might do well to pursue "an international which is open to a politics of identity, to struggles over affiliation and a shifting embrace of the conflicting and intersecting patterns of identity **[*1518]** asserting themselves in the newly opened international regime." n50 Globalization processes are apparently not slowing the five hundred year rise of racial and ethnic identity as central axes of social organization. The task is to insure that the new forms of identity politics that ascend reflect sensibilities such as those given voice to through LatCrit and RaceCrit scholarship.

Although Du Bois clearly saw the globalized color-line as early as 1904, it took him another thirty to fifty years to develop his understanding of the link between race, nation, and class, a process that remained incomplete up until his death in Ghana. n51 The task for critical race globalism is to build on the work of the earlier race internationalists, while avoiding uncritical embraces of transnational or diasporic identity movements that fail to challenge globalized forms of flexible accumulation or identity nationalisms that lead to the return of nondemocratic state "socialisms." In particular, we need to develop approaches that can tell the story of race as integral across the levels of "social forces (ideas, institutions, material capabilities), forms of state, and world orders." n52 In pursuing such a multi-level project, race critical legal scholars should push themselves to think "outside the box" of democratic free market neoliberalism and avoid a stops-at-the-water'sedge approach to racial critique. Looking to the spirit of earlier race internationalists, we can revive links between the struggles for racial and economic justice, not just within one country but within and among many at once.

FOOTNOTE-1:

n1 The basis of this Article was my contribution to a panel on new and Third World approaches to international law, convened at the LatCrit IV Conference in Lake Tahoe, California in May 1999. I thank my co-presenters Robert Chang, Lisa Iglesias, Tayyab Mahmud and Ediberto Roman, and Jerome Culp for stimulating my subsequent reflection on the topic.

n2 W.E.B. Du Bois, The Souls of Black Folk 9 (1965) (1903) ("The problem of the twentieth century is the problem of the colour-line, the relation of the darker to the lighter races of men in Asia and Africa, in America and the islands of the sea.").

n3 Though the terms critical race globalism and critical race internationalism, both of which appear in this paper, might appear to be interchangeable, the former is more useful in referring to conditions in the current conjuncture of "globalization," see infra note 16, whereas the latter might be reserved for use in referring to the worldviews of earlier racial justice advocates who linked their struggles to the movements for international socialism and communism. Generally, globalization refers to a context in which states and their agents function less as neomercantilist protectors of national economies and capital and more as facilitators of transnational economic and cultural structures. For a recent and authoritative work on globalization in the field of international relations, see David Held et al., Global Transformations: Politics, Economics and Culture (1999). For the argument that the significance of globalization has been overstated, see Paul Hirst & Grahame Thompson, Globalization in Question: The International Economy and Possibilities of Governance (1996). For critical international political economy approaches to globalization, see Globalization: Critical Reflections (James H. Mittelman ed., 1996), and Robert W. Cox, Civilizations: Encounters and Transformations, 47 Stud. in Pol. Econ. 7 (1995). For cultural studies approaches to globalization, see The Cultures of Globalization (Fredric Jameson & Masao Miyoshi eds., 1998).

n4 Recently, historians have produced a number of works tracing the relationships between domestic and international politics of race and imperialism. See, e.g., Between Race and Empire: AfricanAmericans and Cubans before the Cuban Revolution (Lisa Brock & Digna Castaneda Fuertes eds., 1998); Alexander DeConde, Ethnicity, Race, and American Foreign Policy (1992);Gerald Horne, Black and Red: W.E.B. Du Bois and the Afro-American Response to the Cold War, 1944-1963 (1986); Winston James, Holding Aloft the Banner of Ethiopia: Caribbean Radicalism in Early Twentieth-Century America (1998); Paul Gordon Lauren, Power and Prejudice: The Politics and Diplomacy of Racial Discrimination (2d ed. 1996); Azza S. Layton, International Politics and Civil Rights Policies in the United States, 1941-1960 (2000); Brenda Gayle Plummer, Rising Wind: Black Americans and U.S. Foreign Affairs,

1935-1960 (1996); Penny M. Von Eschen, Race Against Empire: Black Americans and Anti-Colonialism, 1937-1957 (1997).

n5 See Michael Omi & Howard Winant, On the Theoretical Status of the Concept of Race, in Race, Identity, and Representation in Education 3, 7 (Cameron McCarthy & Warren Crichlow eds., 1993) ("Racial space is becoming globalized and thus accessible to a new kind of comparative analysis.").

n6 Generally, white supremacy refers to "the attitudes, ideologies, and policies associated with the rise of blatant forms of white or European dominance over 'nonwhite' populations." George Fredrickson, White Supremacy: A Comparative Study in American and South African History xi (1981). Global white supremacy denotes the operation of such an ideology and power structure beyond national boundaries. Cf. Immanuel Wallerstein, The Construction of Peoplehood: Racism, Nationalism, Ethnicity, in Race, Nation, Class 71, 79 (Etienne Balibar & Immanuel Wallerstein eds., 1991) (suggesting centrality of racial hierarchy in expansion of global capitalism, whereby "axial" (core/periphery) divisions in the global economic system coincide with, and are underwritten by, racialized set of beliefs and practices).

n7 Critical Race and LatCrit movements pursue antisubordinationist, action-oriented scholarly agendas that challenge the liberal legal paradigm in its formal and reductionist understanding of race and law. For a recent explication of the Critical Race program, written in response to the mounting "liberal" backlash, see Jerome McCristal Culp, Jr., To the Bone: Race and White Privilege, 83 Minn. L. Rev. 1637 (1999). For information on the LatCrit program, see Francisco Valdes, Latina/o Ethnicities, Critical Race Theory, and PostIdentity Politics in Postmodern Legal Culture: From Practices to Possibilities, 9 La Raza L.J. 1 (1996).

n8 Several initiatives within (and against) the discipline of international law have undertaken this work from a legal perspective. So-called New Approaches to International Law (NAIL) and Third World Approaches to International Law (TWAIL) are analyzed in Ediberto Roman, A Race Approach to International Law (RAIL): Is There a Need for yet Another Critique of International Law?, 33 U.C. Davis L. Rev. 1519 (2000).

n9 Althusser developed the neo-Marxian concept of overdetermination in order to explain the relationship between a relatively autonomous superstructure and an "in-the-last-instance" determining economic base. In this view,

 The Capital-Labour contradiction is never simple, but always specified by the historically concrete forms and circumstances in which it is exercised. It is specified by the forms of the superstructure (the State, the dominant ideology, religion, politically organized movements, and so on); specified by the internal and external historical situation which determines it on the one hand as a function of the national past . . . and on the other as functions of the existing world context.

 Louis Althusser, Contradiction and Overdetermination, in Louis Althusser, For Marx 87, 106 (Ben Brewster trans., 1969). In an unfortunate deflection of Althusser's original conception, Laclau and Mouffe use the concept of overdetermination to cast a shadow on identity-based social struggle, arguing that it does not evince multiple subjectivity that would be necessary for "radical democratic struggle." See Ernesto Laclau & Chantal Mouffe, Hegemony and Socialist Strategy: Towards a Radical Democratic Politics 98, 114-45 (1985). In rejecting this characterization, this paper foregrounds the centrality of identity-based social movements, but emphasizes the necessity of deepening conceptions of race, sexuality and gender in order to grasp their full complexity. For the argument that identity-based social movements are currently the most suitable vehicles for achieving radical democratic struggle in the political

realm, through a "race-plus" model of coalitional organizing, see Sumi Cho & Robert Westley, Critical Race Coalitions: Key Movements that Performed the Theory, 33 U.C. Davis L. Rev. 1377 (2000).

n10 See Angela P. Harris, Foreword: The Jurisprudence of Reconstruction, 82 Cal. L. Rev. 741, 744 (1994).

n11 Carl T. Rowan, Has Paul Robeson Betrayed the Negro?, Ebony, Oct. 1957, at 31, 33, quoted in Von Eschen, supra note 4, at 180.

n12 See Frank Furedi, The Silent War: Imperialism and the Changing Perception of Race 236-38 (1998).

n13 See id. at 79-107. Furedi also traces a process of "eternalisation," whereby racism came to be treated ahistorically, that is, as an idea or consciousness that could be housed just as easily in the oppressed as in the oppressor. See id. at 225-31. Eternalisation also contributes to the deracialized understanding of imperial domination since "everyone and no one is implicated as a racist." Id. at 238.

n14 See, e.g., Samuel P. Huntington, The Clash of Civilizations and the Remaking of World Order (1996). For a critical response to Huntington that exposes the racial premises of the civilizations thesis, see Ali A. Mazrui, Racial Conflict or Clash of Civilizations?: Rival Paradigms for Emerging Fault-Lines, in The Clash of Civilizations: Asian Responses 27 (Salim Rashid ed., 1997).

n15 See Furedi, supra note 12, at 239-40 ("Increasingly the vocabulary that is applied to the South is morally different from that which is used in relation to the North. . . . The new moral equation between a superior North and an inferior South helps legitimise a twotiered international system.").

n16 My use of the concept of globalization is provisional, and it is good to remain aware of challenges to the current fixation on the global. See generally Hirst & Thompson, supra note 3. A number of critiques are possible. For example, world systems theory holds that capitalism has been thoroughly global for over five hundred years. See, e.g., Immanuel Wallerstein, The Modern World-System I (1974). For a magisterial, anthropologically based history of modern global capitalist expansion, see Eric R. Wolf, Europe and the People Without History (1982). Hirst and Thompson argued that nation-states still control the international economic scene, and Hirst asserted that globalization provides a usable rationalization for imposing neoliberal economic strategies. See Paul Hirst, The Global Economy: Myths and Realities, 73 Int'l Aff. 409 (1997).

 Despite these critiques, the cultural aspects of globalization indeed seem to present something particularly new under the sun. It is these cultural transformations that make it possible to rethink the formation of political identities, most notably beyond modern nationalist limits. The articulation of globalized economic and cultural conditions in such reconstituted (perhaps resistant) identities does seem to carry transformative potential, possibly ultimately raising an unprecedented set of challenges to market-based forms of exploitation, notwithstanding that the latter have always already been global. For an analysis of the globalized production of identity and difference and its relationship to the latest forms of capital accumulation captured in the phrase "global cultural economy," see Arjun Appadurai, Modernity at Large: Cultural Dimensions of Globalization (1996).

n17 See, e.g., Tanya Kateri Hernandez, The Construction of Race and Class Buffers in the Structure of Immigration Controls and Laws, 76 Or. L. Rev. 731 (1997); Kevin R. Johnson,

Race, the Immigration Laws, and Domestic Race Relations: A "Magic Mirror" into the Heart of Darkness, 73 Ind. L.J. 1111 (1998).

n18 See Joe R. Feagin, Old Poison in New Bottles: The Deep Roots of Modern Nativism, in IMMIGRANTS OUT! 13 (Juan Perea ed., 1997).

n19 Albeit disproportionately, whites still represent the most immigration-averse racial interest group. See The New Americans: Economic, Demographic, and Fiscal Effects of Immigration 392 (James P. Smith & Barry Edmonston eds., 1997) [hereinafter The New Americans]. For a reflection on the construction of immigration as an issue of African American displacement, regardless of the lived reality of the immigrants and the Black community, see Toni Morrison, On the Backs of Blacks, in Arguing Immigration 92 (Nicolaus Mills ed., 1994).

n20 See, e.g., Roy Beck, The Case Against Immigration 176202 (1996) (arguing against immigration because it harms Black Americans); Peter Brimelow, Dissolving the American People, 1 Rutgers Race & L.J. 137, 139 (1998) (asserting that immigration "is a major reason for some of the problems that have overwhelmed the Black community"). The most thorough mainstream analysis to date on the effects of immigration on the wages of nonimmigrant racial minorities belies the restrictionists' rhetoric. See The New Americans, supra note 19, at 221-25.

n21 See Saskia Sassen, The Mobility of Labor and Capital: A Study in International Investment and Labor Flow (1988) (arguing that foreign direct investment and creation of export processing zones effectively disrupt existing economies, creating conditions for migration).

n22 See Plummer supra note 4, at 107, 169.

n23 See Von Eschen, supra note 4, at 105-06.

n24 For a treatment of these pitfalls understood more generally as an aspect of the interdisciplinary aporias of comparative and international law, see David Kennedy, The Disciplines of International Law and Policy, 12 Leiden J. Int'l L. 9, 125-31 (1999).

n25 See Michael Lind, The Next American Nation (1996).

n26 See James C. Hathaway, A Reconsideration of the Underlying Premise of Refugee Law, 31 Harv. Int'l L.J. 129, 157 (1990) (describing Eurocentric, two-tiered system of international refugee law).

n27 See generally IMMIGRANTS OUT!, supra note 18; Symposium, Citizenship and its Discontents: Centering the Immigrant in the Inter/National Imagination, 76 Or. L. Rev. 1 (1997) (covering immigration and nationality law).

n28 As well, the effects of transnational migration on "internal" racial formation should not escape attention.

n29 During this same period, the American Communist Party was proving itself incapable of effectively centering race in its program and building a movement among African Americans, a failure that would be evident in the widespread rejection of Marxian internationalism in the movement for civil rights of the 1960s. The Maoist Black Panther movement was, of course, an exception. See Earl Ofari Hutchinson, Blacks and Reds: Race and Class in Conflict 1919-1990, at 22377 (1995).

n30 See Von Eschen, supra note 4, at 114-18.

n31 See id.

n32 See Manning Marable, W.E.B. Du Bois: Black Radical Democrat 166-89 (1986); Von Eschen, supra note 4, at 117.

n33 See Horne, supra note 4, at 57-82.

n34 One might also recall Martin Luther King Jr.'s turn toward anti-imperial and economic justice stances in the mid-1960s. See generally Michael Eric Dyson, I May Not Get There with You: The True Martin Luther King, Jr. (2000).

n35 See Elizabeth Martinez, The WTO: Where Was the Color in Seattle?, 3 ColorLines 11 (2000). More recently, the work of Barbara Ransby, Robin D.G. Kelly, Abdul Alkalimat and others in the Radical Black Congress may signal a renewed commitment among racial justice advocates to radical internationalism, a movement to which critical race globalism could contribute.

n36 I use the term "capitalist imperialism" in the sense developed by Walter Rodney and consistent with world systems theory. See Walter Rodney, How Europe Underdeveloped Africa 135-45 (Vincent Harding et al. eds., 1981) (1972) (arguing that economic logic of capitalism required overseas expansion, and that development of Europe and underdevelopment of Africa are part of single system).

n37 Fanon's explanation of the colonial system is instructive:

When you examine at close quarters the colonial context, it is evident that what parcels out the world is to begin with the fact of belonging to or not belonging to a given race, a given species. In the colonies the economic substructure is also a racialized superstructure. . . . You are rich because you are white, you are white because you are rich.

Frantz Fanon, The Wretched of the Earth 40 (First Evergreen Black Cat ed., 1968) (1961).

n38 A passage from the first volume of Capital illustrates Marx's thinking on this relationship:

The discovery of gold and silver in America, the extirpation, enslavement and entombment in mines of the aboriginal population, the beginning of the conquest and looting of the East Indies, the turning of Africa into a warren for the commercial hunting of black-skins, signalised the rosy dawn of the era of capitalist production. These idyllic proceedings are the chief momenta of primitive accumulation.

Karl Marx, Capital, Volume 1, reprinted in The Marx-Engels Reader 435-36 (Robert Tucker ed., 1978) (1887).

Unfortunately, Marx did not fully develop an integrated analysis of race, or for that matter nation, in his critique of capitalism, and subsequent generations of Marxian thinkers have been rather uniform in relegating race to the secondary status of epiphenomenal superstructure. Marxian theorists have more robustly debated "the national question." See generally Walker Connor, The National Question in Marxist-Leninist Theory and Strategy (1984). Moreover, leftist political movements, often wed to the Western tradition of Marxism, have been notoriously deficient in their embrace and empowerment of racially oppressed groups. See, e.g., Hutchinson, supra note 29 (providing critical history of relationship between American Communist Party and African American political organizations). In the 1960s, a theory of "internal colonialism" provided a long overdue wedding of Marxian and race-based analyses that was used to explain the domestic context of racial oppression in Western countries. Despite its primarily domestic focus, however, internal colonial thinking provided clear conceptual linkages between colonial forms of domination in Africa and Asia and domestic, Western

forms of racial oppression. See, e.g., Mario Barrera, Race and Class in the Southwest 174-219 (1979); Robert Blauner, Racial Oppression in America (1972).

n39 See Marable, supra note 32, at 201-03.

n40 See id.

n41 See id.

n42 See Fanon, supra note 37, at 148-205.

n43 See Marable, supra note 32, at 201-03.

n44 See id. at 215.

n45 Indeed, Du Bois seems to have believed that Blacks would necessarily have to take the lead in the movement for democratic socialism. See Marable, supra note 32, at 207.

n46 See Fantu Cheru, The Silent Revolution and the Weapons of the Weak: Transformation and Innovation from Below, in Innovation and Transformation in International Studies 153, 167 (Stephen Gill & James H. Mittelman eds., 1997) ("It is not uncommon to hear complaints from African partners that Northern NGOs are spreading clientelism, thus undermining collective action. In this sense transnational civil society is antithetical to notions of grass-roots innovation and emancipation.").

n47 Objections to identity-based social movements blend this kind of scientistic positivism with politico-ethical consequentialism and normative deontologism. The more positivist critiques would include (somewhat ironically) the so-called anti-essentialist and more orthodox Marxist variants. These critiques argue that identity-based theory and political action simply get things wrong. Identities, if they can be said to exist at all, cannot be essentialized in the way identity-based theory and movements would have it. Or, alternatively, the determinants of oppression and exploitation are irreducibly material, a category not captured by resort to identity-based thinking and social action. Consequentialist, politico-ethical critiques deny that "particularist" theory and politics can produce outcomes consistent with a liberal or progressive agenda. The deontological variant insists on the a priori normative superiority of a universalist agenda, which is defined as counter to the goals of identity-based movements. A historicist response to these critiques suggests itself, asserting that a Gramscian transformative potential inheres in identity-based theory and action (based on the notion of counter-historical bloc formation), and that a critical organicism links identity politics directly to lived social and economic conditions that are particular to the contradictions of the current conjuncture.

n48 See Appadurai, supra note 16; Omi & Winant, supra note 5, at 7.

n49 See Manuel Castells, The Power of Identity 65-67 (1997). Castells saw substate, culture-based "nations," religions, and territorially delimited or "local" communities as the most likely bases of resistant identity formation. See id. He considered but rejected race and ethnicity as a likely, stand-alone base of either resistant or project identity formation, a conclusion with which I would disagree. See id. at 52-59. Castells did see race and ethnicity playing a reinforcing role in relation to the other three axes of identity his analysis favors. See id. at 65.

n50 See Kennedy, supra note 24, at 131.

n51 In addition to Du Bois's undue faith in all state-run economic systems alluded to earlier, Marable pointed out that Du Bois remained uncertain concerning the relationship between nationalism and socialism. See Marable, supra note 32, at 215.

n52 This formulation is taken from James Mittelman's recent article analyzing the importance for international relations theory of Robert Cox's idiosyncratic historicism. See James H. Mittelman, Coxian Historicism as an Alternative Perspective in International Studies, 23 Alternatives: School Transformation & Humane Governance 63, 72 (1998).